

MINORITY SPOKESMAN
ENVIRONMENT AND ENERGY



COMMITTEES:
APPROPRIATIONS II
ENVIRONMENT AND ENERGY
FINANCIAL INSTITUTIONS
LOCAL GOVERNMENT
TRANSPORTATION

ILLINOIS STATE SENATE
DALE E. RISINGER
STATE SENATOR • 37TH DISTRICT

November 7, 2007

Mr. Kevin Martin
Chairman, Federal Communications Commission
445 12th Street SW:
Room: 8-B201
Washington, DC 20554

Re: **NFL Network and Other Independent Programmers**

Dear Chairman Martin:

I am writing to urge the Federal Communication Commission to take action to resolve the ongoing dispute between vertically integrated cable operators, like Comcast, and independent programming channels NFL Network and Big Ten Network. I have received a number of constituent letters and emails complaining about this stalemate. Many of those letters note that those cable systems require them to purchase other sports networks -- such as Versus and the Golf Channel -- that those constituents never watch; and that my constituents are troubled by cable companies' discrimination against NFL Network and against high-quality non-sports independent channels in favor of less popular channels that the cable companies own.

To address these constituent concerns, I have sponsored legislation in the Illinois General Assembly. Senate Bill 1873, the Fair Access and Independent Resolution Act (FAIR Act) creates a dispute resolution mechanism that will allow for a quick resolution through an independent arbitrator in the narrow instances where cable companies own channels that compete with independently owned channels. The arbitrator would select between the competing proposals for carriage. As a result, disputes will be quickly and fairly resolved.

I turn to you since I understand that the FCC has opened a rulemaking proceeding (MB Docket 07-42) to consider program carriage issues such as these -- particularly as they relate to independent and diverse channels.

I have seen a number of recent press stories noting that -- just like NFL Network and other independent sports channels -- non-sports independent channels face discrimination from big cable companies that own channels of their own, and that some independent channels like the Oxygen Network are choosing to sell themselves to large media holding companies rather than to try to continue as stand-alone businesses. It is not a good trend since this increasing concentration will reduce media diversity and consumer choice.

☐ ROOM 1103F STATE HOUSE
SPRINGFIELD, IL 62706
217/782-1942

☐ 4 WEINBERG ARCADE
GALESBURG, IL 61401
309/343-8176

☐ 1904 N. MAIN STREET
PRINCETON, IL 61356
815/672-1954

☐ 5415 NORTH UNIVERSITY
SUITE 105
PEORIA, IL 61614
309/693-4921

MINORITY SPOKESMAN
ENVIRONMENT AND ENERGY



COMMITTEES:
APPROPRIATIONS II
ENVIRONMENT AND ENERGY
FINANCIAL INSTITUTIONS
LOCAL GOVERNMENT
TRANSPORTATION

ILLINOIS STATE SENATE
DALE E. RISINGER

STATE SENATOR • 37TH DISTRICT

I also note that in connection with another high-profile sports channel carriage dispute -- the one between Comcast and the Mid-Atlantic Sports Network (MASN) in the Washington, DC area in 2005 -- the FCC's decision to appoint an arbitrator to settle the dispute caused the parties to reach a negotiated solution. I would urge the FCC to consider changing its rules to facilitate appointment of an arbitrator in disputes like the one involving the NFL Network, so they can be resolved more quickly (preferably through negotiation between the parties) and with consumers' interests foremost in mind. If such a mechanism were in place, it might help persuade the cable companies to negotiate a carriage deal with NFL Network before my constituents are deprived of the NFL Network game telecasts that begin this season on Thanksgiving night.

For your consideration and review, I have enclosed a copy of our legislation in Illinois as well as several newspaper articles that underscore the significance of this issue.

Thank you for reviewing these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Risinger".

State Senator Dale Risinger, P.E.

Cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

☐ ROOM M103F STATE HOUSE
SPRINGFIELD, IL 62706
217/782-1942

☐ 4 WEINBERG ARCADE
GALESBURG, IL 61401
309/343-8176

☐ 1904 N. MAIN STREET
PRINCETON, IL 61356
815/872-1954

☐ 5415 NORTH UNIVERSITY
SUITE 105
PEORIA, IL 61614
309/693-4921